

REMARKS

By this response, original claims 23-32 are pending. Claims 1-22 and 33-38 remain withdrawn. Various claims are objected to or rejected for informalities or §112, 2nd ¶, indefiniteness. Substantively, all claims stand rejected as anticipated by Rost U.S. 6,217,177. According to the Examiner, Rost “discloses a transducer bar 5 having a longitudinal extent and centerline (see where the #5 arrow is pointing at [sic])” and “a plurality of transducers 6, 7, 8 (fig. 10) arranged substantially symmetrically about said centerline, each transducer having an angular orientation relative to said longitudinal extent substantially dissimilar to adjacent transducers on a same side of said centerline [] wherein an innermost transducer 8a [sic] and an outermost transducer 8b on said same side [of the centerline] are angled in opposite directions relative to said centerline.” *Emphasis added, 12-21-05 Office Action, page 3, line 1 penultimate paragraph - page 4, line 3, first paragraph.*

Upon inspection, Rost indeed teaches a transducer bar 5 in Figure 10 with a longitudinal extent having a transverse centerline near, where the Examiner mentions, the lead line of the element labeled #5. However, transducers 6a, 6b, and 7a exist on one side of the centerline while transducers 7b, 8a and 8b exist on the other side of the centerline. In this regard, 7a and 7b are the innermost transducers while 6a and 8b are the outermost transducers. Per a given side of the centerline, transducer 7a is the “innermost” transducer while transducer 6a is the “outermost” transducer or transducer 7b is the “innermost” transducer while transducer 8b is the “outermost” transducer. In turn, both Rost’s innermost and outermost transducers, per either side of the centerline of the transducer bar, angle in the same directions. That is, all the innermost and outermost transducers of Rost angle away from the centerline. They are not, as the Examiner contends, angled in opposite directions relative to the centerline. Perhaps the Examiner’s confusion stems from his mis-

characterization of Rost's transducer "8a" being an innermost transducer while transducer 8b is an outermost transducer, per a given side of the centerline. As is clearly seen, transducer 8a is neither an innermost nor an outermost transducer. Rather, it is a transducer between or intermediary to the innermost and outermost transducers.

In contrast, the transducers labeled 3 and 4 as well as the transducers labeled 1 and 6 of the instant invention are the innermost and outermost transducers, respectively, on a given, single side of the centerline CL (see, e.g., Figures 1D, 7 and 8). Moreover, the innermost and outermost transducers per a given side of the centerline angle in opposite directions relative to the centerline. That is, the innermost transducers 3 and 4 angle away from the centerline while the outermost transducers 1 and 6 angle toward the centerline. Clearly, such is antithetical to Rost.

One reason for arranging the transducers of the instant invention in this fashion relates to the notion of desiring waves transmitted from the outermost transducers (numbers 1 and 6, for example) to be fairly sure to be received or captured by the innermost and other transducers as seen in the Applicant's Figure 7. However, if the transducers labeled 1 and 6 in the Applicant's invention were configured as Rost teaches it, e.g., away from the centerline and in the same direction as the innermost transducers, the waves transmitted from the outermost transducers would be difficult, if not impossible, to be received or captured at the innermost or other transducers. This, in turn, would diminish robustness. Thus, it is respectfully submitted that Rost cannot anticipate as a matter of law and obviousness based on Rost is precluded for at least the reasons given.

Additionally, the Applicant's claim 27 precisely recites that "an intermediate transducer between said innermost transducer and said outermost transducers angles in a same direction as said outermost transducer." In the Applicant's figures, this representatively corresponds to either of transducers labeled 2 or 5 angling toward the

Application No. 10/729,788

Applicant's Response dated March 10, 2006

Reply to Office Action dated December 21, 2005

centerline as do their respective outermost transducer counterparts labeled 1 or 6. Rost, on the other hand, teaches intermediate transducers 6b or 8a between transducers 6a and 7a or transducers 7b and 8b, respectively. However, either 6b or 8a angle toward the centerline of the transducer bar 5 while their respective outermost transducers 6a or 8b angle away from the centerline. Again, this cannot anticipate.

In each of claims 26, 29 and 30, it is recited that a specific transducer has an “angular orientation” that is “substantially larger” than the angular orientation of another transducer. In the Applicant’s Figure 8, for example, the innermost transducers labeled 1 and 3 each have an angular orientation of 83 degrees while the intermediate transducers labeled 2 and 5 have angular orientations of 69 degrees and the outermost transducers labeled 1 and 6 have angular orientations of 56 degrees. Rost, in contrast, appears to teach innermost transducers 7a and 7b on par angularly with the intermediate transducers 6b and 8a as well as the outermost transducers 6a and 8b. Pictorially, all angles in Rost appear the same for all the transducers with the exception of being oriented toward or away the centerline. Again, this cannot be fairly said to anticipate.

Regarding the claim 23 objection and the §112 rejections for claims 24 and 25, the Applicant respectfully requests reconsideration. In claim 23, it is submitted that the exact format of a claim is not prescribed by statute. The Manual of Patent Examining Procedure (MPEP) even goes so far as to recognize this and states there is “no set statutory form for claims.” *MPEP, 608.01(m)*. In claims 24 and 25, it is submitted that the “about” claim language finds common usage in many patents and is used to patent dimensions slightly exceeding the exact claimed angle and is routinely held definite in the law.

The remaining dependent claims are submitted as being patentable for directly or indirectly depending on one or more of claims 23, 26, 27, 29 and 30 and the reasons given. Additional reasons are being held in abeyance in anticipation of a Notice of Allowance for

Application No. 10/729,788

Applicant's Response dated March 10, 2006

Reply to Office Action dated December 21, 2005

same. *To the extent any fees are due, although none are believed due, the undersigned authorizes their deduction from Deposit Account No. 11-0978.*

Respectfully submitted,

KING & SCHICKLI, PLLC



Michael T. Sanderson
Registration No. 43,082

247 North Broadway
Lexington, Kentucky 40507
Phone: (859) 252-0889
Fax: (859) 252-0779

Certificate of Mailing

I hereby certify that this correspondence
is being deposited with the United States Postal
Service as first class mail in an envelope addressed to:
MAIL STOP AMENDMENT, Commissioner for Patents,
P.O. Box 1450 Alexandria, VA 22313-1450

on March 10, 2006 by Spencer

Date 3/10/06 by Spencer